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TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman  
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FROM: LLOYD W. PELLMAN   
County Counsel

RE: **SB 402 Litigation - Supreme Court Grant of Review in Riverside County Case**

For your information, the California Supreme Court has granted review in the Riverside County case, in which the Court of Appeal for the Fourth Appellate District had held SB 402 to be unconstitutional. The process of briefing, argument and ultimate disposition by the Supreme Court should take approximately a year.

As we advised your Board by memorandum on April 22, 2002, the Fourth District Court of Appeal determined that SB 402 violated the California Constitution on two separate grounds: (1) it violated subdivision (a) of Section 11, Article XI by delegating to a private party the power to interfere with county money and perform municipal functions; and (2) it violated subdivision (b) of Section 1, Article XI because it impinges on the county's power to provide for the compensation of its employees.

Copies of the Supreme Court summary of the case and our memorandum of April 22 enclosing the Court of Appeal opinion are enclosed for reference.

As a result of the Supreme Court grant of review in the Riverside County case, the Court of Appeal for the Second Appellate District on July 26 vacated its submission of the Ventura County case, which had been briefed and argued. The Court indicated that its ruling would be deferred until the Supreme Court's decision in the Riverside County case becomes final. In the Ventura County case, the trial court had also held SB 402 to be unconstitutional.

We will continue to advise you of developments in these and other SB 402 cases as they occur.

LWP:DMM:mr  
Enclosures

c: David E. Janssen, Chief Administrative Officer  
Violet Varona-Lukens, Executive Officer, Board of Supervisors



# NEWS

Judicial Council of California  
ADMINISTRATIVE OFFICE OF THE COURTS  
Public Information Office  
(415) 865-7740  
Lynn Holton, Public Information Officer

Release Date: July 24, 2002

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 15, 2002**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-117 County of Riverside v. Superior Court, S107126. (E030454; 97 Cal.App.4th 1103.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Are the statutes authorizing unions representing public safety employees to declare an impasse in labor negotiations and requiring the employing agency to submit unresolved economic issues to binding arbitration (Code Civ. Proc., §§ 1299-1299.9) invalid under Article XI, section 11, of the California Constitution as delegating to a private body the power to control county money and perform municipal functions? (2) Are these statutes invalid under Article XI, section 1, of the California Constitution as interfering with a county's power to provide for the compensation of its employees?

(over)